S.B.Cr.Misc. Bail App. No. 4372/07
(Dhanraj Vs. State of Rajasthan)

Date of order : 06/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers as also statement of prosecutrix.

Initially in her statement, the prosecutrix levelled allegation of rape against Babulal and Radheshyam and no allegation of rape has been levelled against the present petitioner, however, in the end of her statement, she stated that the petitioner also committed rape.

Learned counsel for the petitioner has invited my attention to the statement of police Constable Mumtaj and other police officials who arrested the prosecutrix while found in suspicious circumstances under Section 151 Cr.P.C. and contended that the prosecutrix has been moving with the petitioner earlier also without there being any complaint.

Be that as it may, without commenting on the merit of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Dhanraj S/o Onkar be

released on bail in FIR No. 165/07 P.S. Pratapnagar, Bhilwara provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP